

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

### **Amendments to the Claims**

Upon entry of this amendment, claims 1-4, 6-14, 16 and 17 are pending in the application. Claims 1-2, 6, 9-11, 14, and 16 will have been amended and claim 17 will have been newly submitted for consideration by the Examiner.

### **Claim Rejections under 35 U.S.C. § 103**

Claims 1-4, 6-14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. (E.P. Patent No. 0991007) in view of Borge (US 2005/0059483). This rejection is believed clearly inapplicable to amended claims 1-4, 6-14 and 16, and new claim 17 for the following reasons.

Applicants respectfully traverse the rejections on the following basis. Applicants submit Miyamoto et al. fails to teach or suggest each and every element of the claims, as amended.

Amended independent claims 1 and 2 recite a combination of elements, *inter alia*:

“...a game execution unit operable to proceed with the game according to the inputting operation...and the procedure..., and to cause the common character to appear in the game in accordance with the character data..., wherein

the common character has a plurality of attributes, wherein

the...game execution apparatus further comprises:

a permission information reading unit operable to read from the...game recording medium...permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the...game execution apparatus, the...game recording medium storing the...permission information therein, and

in accordance with the read...permission information, the...game execution unit changes the attribute permitted to be changed by the...game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the...game execution apparatus from being changed, wherein

the...permission information is associated with the plurality of the attributes of the common character indicated by the character data, the common character commonly appears in the game by the first second game execution unit and by the second game execution unit".

[*Emphasis added*]

Amended independent claim 9 recite a combination of elements, *inter alia*:

"...an output unit operable to, when the authenticity has been ensured, read the character data from the storage unit and output the read character data to the game execution apparatus, wherein

the common character has a plurality of attributes, wherein

the portable recording medium stores therein permission information for the game execution apparatus, the permission information indicating which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, wherein

the permission information is associated with the plurality of the attributes of the

common character indicated by the character data, wherein

the common character commonly appears in the game by the game execution apparatus and by another game execution apparatus, the another game execution apparatus having a different internal structure from the game execution apparatus”. [*Emphasis added*]

Amended independent claim 10 recite a combination of elements, *inter alia*:

“...proceeding with the game according to the inputting operation and the procedure, and causing the common character to appear in the game in accordance with the character data, wherein

the common character has a plurality of attributes,

...a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from be changed, wherein

the permission information is associated with the plurality of the attributes of the common character indicated by the character data, wherein

the common character commonly appears in the game by the game execution apparatus and by another game execution apparatus, the another game execution apparatus having a different internal structure from the game execution apparatus”. [*Emphasis added*]

Amended independent claim 11 recite a combination of elements, *inter alia*:

“...proceeding with the game recording to the inputting operation and the procedure,  
and causing the common character to appear in the game in accordance with the character data,  
wherein

the common character has a plurality of attributes,

...a permission information reading unit operable to read permission information that  
indicates which attribute from the plurality of attributes is permitted to be changed by the game  
execution apparatus, and

in accordance with the read permission information, the game execution unit changes  
the attribute permitted to be changed by the game execution apparatus as the game proceeds, and  
prohibits an attribute not permitted to be changed by the game execution apparatus from be  
changed, wherein

the permission information is associated with the plurality of the attributes of the  
common character indicated by the character data, wherein

the common character commonly appears in the game by the game execution apparatus  
and by another game execution apparatus, the another game execution apparatus having a  
different internal structure from the game execution apparatus”. [Emphasis added]

Amended independent claim 14 recite a combination of elements, *inter alia*:

“...proceeding with the game according to the inputting operation and the procedure,  
and causing the common character to appear in the game in accordance with the character data,  
wherein

the common character has a plurality of attributes,

...a permission information reading unit operable to read permission information that

indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the common character indicated by the character data, wherein

the common character commonly appears in the game by the game execution apparatus and by another game execution apparatus, the another game execution apparatus having a different internal structure from the game execution apparatus”. [*Emphasis added*]

With this structure, control is performed such that an attribute of a common character, such as life power, that appears in a game, can be increased on a portable apparatus and the life power on a stationary game apparatus cannot be increased, for example. Accordingly, the present invention can exhibit an excellent effect that users can enjoy different changes in the attributes of a common character on different game execution apparatuses.

Regarding Miyamoto et al., Applicants note that Miyamoto et al. discloses a game system operable with backup data on different game machines. According to this game system, a first-machine 10 has a game cartridge 15 memorizing backup data at its memory, which can be utilized to play a game in a second-machine 20 memorized in a game cartridge 25 or a disc memory medium 35. *See* paragraphs [0036] and [0048]. In other words, the game stored in an external storage medium or for a first game apparatus is read into a second game apparatus so as

to make the backup data usable to on the second game apparatus. Accordingly, by processing backup data obtained through playing a game using the storage medium for the first game apparatus, it is possible to enjoy, on the second game apparatus, an associated game or a game in association with the first game apparatus.

In addition, Miyamoto et al. discloses that when there are a plurality of players (persons), another player connects his/her own cartridge 15 to his controller 24 through an extension adapter 50 (Figures 5 and 6) so that backup data is written into a second-(to - fourth) player area of RAM 26. Accordingly, backup data is written on a play-by player basis in a manner in which one's data can be discriminated from others' data. In other words, Miyamoto et al. aims to prevent one's data from being reflected on other's data and being erroneously written over the RAM 15b of the memory cartridge 15. *See* paragraphs [0054]-[0055].

However, although it is possible to discriminate one's data from other's data in Miyamoto et al., the reference does not disclose “a permission information reading unit operable to read from [the] game recording medium permission information that indicates which attribute from the plurality of attributes is permitted to be changed by [the] game execution apparatus, [the] game recording medium storing [the] permission information” [therein] and a game execution unit that, “in accordance with [the] read permission information”, “changes the attribute permitted to be changed by [the] game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by [the] game execution apparatus from be changed”, [wherein] “the permission information [is] associated with the plurality of the attributes of the common character indicated by the character data” as recited in amended independent claims 1, 2, 10, 11, and 14.

Similarly, Miyamoto et al. does not disclose that “[the] portable recording medium [stores therein] permission information” for the game execution apparatus, “[the] permission information [indicating] which attribute from the plurality of attributes is permitted to be changed by [the] game execution apparatus,” wherein “[the] permission information is associated with the plurality of the attributes of the common character indicated by the character data” as recited in amended independent claim 9.

Therefore, in Miyamoto et al., if a plurality of users play a single game apparatus, it is possible to prevent one’s data from being reflected in others’ data and from being overwritten. However, if a common character that appears in a game has a plurality of attributes, it is impossible, and is not taught or suggested by Miyamoto et al., to change an attribute of the common character that differs between multiple game execution apparatuses.

In setting forth the rejections, the Examiner asserts in the Official Action dated on May 15, 2008 that i.e. the permission information is the cartridge indication data or code in Miyamoto. *See* paragraphs [0054]-[0055]. However, Applicants submit that the permission information cited in the present independent claims is associated with the plurality of the attributes of the common character indicated by the character data, but is not the cartridge indication data or code discussed in Miyamoto et al.

In setting forth the rejection dated on October 28, 2008, the Examiner admits that Miyamoto does not disclose “a permission information reading unit operable to read from the game recording medium permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, the game recording medium storing the permission information therein” and a game execution unit that, “in

accordance with the read permission information, changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein the permission information is associated with the plurality of the attributes of the common character indicated by the character data”.

Thus, Applicants respectfully submit that the pending independent claims are clearly distinguished over Miyamoto et al.

In addition, Applicants submit that Miyamoto et al. fails to disclose a second game execution apparatus that includes a second character reading unit operable to read, from a portable recording medium, the same character data as the predetermined character data read by the first character reading unit. In setting forth the rejection, the Examiner asserts that Miyamoto et al. discloses a second character reading unit operable to read the predetermined character data from the portable recording medium [0029]. However, the paragraph [0029] merely teaches that the second game program may be a game program associated with the first game program, and the second game program includes a conversion program for rendering the first game program in a form processable by the second processing means.

In contrast, claim 1 recites a second game apparatus including a second program reading unit operable to read, from a second game recording medium, a second game program that indicates the procedure of the game, as well as a second character reading unit operable to read, from the portable recording medium, the same character data as the predetermined character data read by the first character reading unit. Then, the second game apparatus proceeds with the game according to the procedure indicated by the second game program, and to cause the

common character to appear in the game in accordance with the predetermined character data read by the second character reading unit. The common character commonly appears in the game by the first game apparatus and by the second game apparatus.

Therefore, Applicants submit that Miyamoto et al. also does not contain any disclosures regarding the combinations of the above features, as recited in, e.g., claim 1.

In setting forth the rejection dated on October 28, 2008, the Examiner relies on Borge for teaching that which the Examiner admits is lacking in Miyamoto, asserts that the concept of unlocking game characteristics of characters such as traits, weapons, weaknesses, etc is well known in the art as evidenced by Borge. Borge teaches that a system may be adopted to accept input of serial numbers to unlock games, characters, and/or characteristics of the characters, such as traits, weapons, weaknesses, etc.

However, Borge fails to disclose at least a game execution apparatus that includes a character reading unit operable to read, from a portable recording medium, character data that indicates an attribute of a common character that appears in the game, a game execution unit operable to cause the common character to appear in the game in accordance with the character data, a permission information reading unit operable to read from the game recording medium permission information that indicates which attribute from the plurality of attributes of the common character is permitted to be changed by the game execution apparatus, the common character commonly appears in the game by the game execution apparatus and by another game execution apparatus, the another game execution apparatus having a different internal structure from the game execution apparatus.

In contrast, the pending claims recite a game execution apparatus that includes a

character reading unit operable to read, from a portable recording medium, character data that indicates an attribute of a common character that appears in the game, a game execution unit operable to cause the common character to appear in the game in accordance with the character data, a permission information reading unit operable to read from the game recording medium permission information that indicates which attribute from the plurality of attributes of the common character is permitted to be changed by the game execution apparatus, the common character commonly appears in the game by the game execution apparatus (a first game apparatus) and by another game execution apparatus (a second game apparatus), the another game execution apparatus having a different internal structure from the game execution apparatus. Then, the first game execution apparatus reads, from the first game recording medium, first permission information that indicates which attribute from the plurality of attributes of the common character is permitted to be changed by the first game execution apparatus, the first game recording medium storing the first permission information, and, in accordance with the read first permission information, changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the first game execution apparatus from being changed. The second execution apparatus reads, from the second game recording medium, second permission information that indicates which attribute from the plurality of attributes of the common character is permitted to be changed by the second game execution apparatus, the second game recording medium storing the second permission information, and, in accordance with the read second permission information, changes the attribute permitted to be changed by the second execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed

by the second game execution apparatus form be changed.

Thus, with the pending claims, control is performed such that an attribute of a common character, such as life power, that appears in a game, can be increased on a second game apparatus (e.g., a portable apparatus) and the life power on a first game apparatus (e.g., a stationary game apparatus) can not be increased, for example. Accordingly, the present invention can exhibit an unpredictable and excellent effect that users can enjoy different changes in the attributes of a common character on different game execution apparatuses.

Thus, the pending independent claims are clearly distinguished over Borge.

Therefore, Applicants submit that even if one attempted to combine the teaching of Miyamoto et al. and Borge in the matter suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, the above combinations of the features of the present invention.

Therefore, Applicants submit that the suggested combination of Miyamoto with Borge does not render the presently claimed invention obvious, and thus, respectfully request that the U.S.C. § 103(a) rejection be withdrawn.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

Claims 4, 6-8 and 17 depend from independent 2. Accordingly, Applicants submit that claim 4, 6-8 and 17 are allowable at least by virtue of their dependency.

## Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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